



County of Los Angeles CHIEF EXECUTIVE OFFICE

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March 1, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum provides information on the following:

- **Pursuit of County Position on Legislation**
 - **AB 185 (Hernandez).** As introduced on January 28, 2013, would extend local governments' obligation to retain audio and video recordings of public meetings from 30 days to two years, and would mandate that franchise fees be used exclusively for televising such meetings. Consistent with existing policy, and unless otherwise directed by the Board, **the Sacramento advocates will oppose AB 185.**
 - **AB 1040 (Wieckowski).** As introduced on February 22, 2013, would require a chief probation officer to train and arm those probation officers and deputy probation officers who supervise persons on probation or Post Release Community Supervision (PRCS) who are deemed high risk. Consistent with existing policy, and unless otherwise directed by the Board, **the Sacramento advocates will oppose AB 1040.**

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Pursuit of County Position on Legislation

AB 185 (Hernandez), which, as introduced on January 28, 2013, would extend local governments' obligation to retain audio and video recordings of public meetings from 30 days to two years and would mandate that a local agency use its franchise fees remitted by video service providers in their jurisdiction exclusively for televising public meetings on their Public, Educational, and Government television channels.

Under the Ralph M. Brown Act, local agencies are not mandated to video or audio record their open and public meetings; however, should an agency do so, they are required to retain those recordings for at least 30 days. In addition, under the Digital Infrastructure and Video Competition Act of 2006 (DIVCA), local jurisdictions receive franchise fees from video service providers in exchange for their use of local public rights-of-way for the delivery of cable and video services. The receipt of these franchise fees from video service providers is based on gross fee revenues, pursuant to a specified formula. Currently under State and Federal law, local agencies are allowed to use these franchise fees for any lawful purpose.

AB 185 would require that any local agency that collects franchise fees from video service providers televise the open meetings of its legislative bodies and its advisory committees, as financially feasible, and it would extend the retention period for these recordings to two years, during which those records would be subject to inspection pursuant to the California Public Records Act. AB 185 would also amend the Brown Act to mandate that franchise fees be used only to televise open meetings of the local agency, including any necessary expenses to implement the televising. The bill would require that any remaining fees, once open meetings are televised, be used to fund live streaming of those meetings on the Internet.

The Executive Office of the Board indicates that the County already keeps video of all televised Board meetings and audio recordings of County commission meetings indefinitely. However, commission meetings are not video recorded or televised. The Chief Executive Office (CEO) Multimedia, Cable and Telecommunications Division indicates that recording and televising all applicable public meetings, as required under AB 185, would be cost prohibitive and not viable. The CEO Multimedia, Cable and Telecommunications Division notes that the County uses its franchise fees to record and televise the Board of Supervisor's meetings, as well as delivering public programming via the County Channel and other public television stations.

As introduced, AB 185 would remove local agencies' authority to determine how to spend franchise fees by requiring that franchise fees be used exclusively for the televising of open and public meetings. Additionally, under AB 185, DIVCA-required franchise fees would no longer be available for County programs including public safety,

health, arts and culture, or parks and recreation programming which the County now produces for the County Channel.

Consistent with policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority, and unless otherwise directed by the Board, **the Sacramento advocates will oppose AB 185.**

AB 185 is opposed by the California State Association of Counties and is pending hearing in the Assembly Local Government Committee.

AB 1040 (Wieckowski), which, as introduced on February 22, 2013, would require the chief probation officer of each county to train and arm those probation officers and deputy probation officers who are assigned supervision of persons on probation or Post Release Community Supervision (PRCS) who are deemed high risk. The bill would also require every county probation department to develop arming regulations consistent with the provisions of the bill.

Existing law provides that a probation officer may carry a firearm only if authorized by his or her employing agency and under specific terms and conditions. Currently, approximately 80 percent of county probation departments Statewide, including Los Angeles County, have armed probation officers. Individual counties review the arming of their probation officers on a case-by-case basis.

As introduced, AB 1040 would require the chief probation officer to arm all probation officers who supervise probationers, including juveniles, and anyone on PRCS who is deemed to be high risk. This measure would change the peace officer designation of probation officers and would remove local control to allow probation officers to carry a firearm with the authorization of their employing agency. The bill does not prescribe any process or circumstances in which a probation department or a board of supervisors could revoke the requirement that a probation officer supervising high risk individuals be armed. Additionally, the bill does not define high risk or specify how an individual on probation or PRCS caseloads is categorized as high risk.

According to the Probation Department, AB 1040 would remove the discretion that the Board of Supervisors and the Chief Probation Officer have in determining when to authorize probation officers to carry firearms and it would require that virtually all probation officers, whether they are supervising juvenile, regular adult or PRCS caseloads be armed. AB 1040 does not allow any mechanism for the Board of Supervisors or the Probation Department to deny or revoke the requirement that probation officers be armed.

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Additionally, requiring probation officers to carry weapons would increase County costs for weapons training and purchasing of firearms and ammunition. It would also have serious implications for liability to the County for issues stemming from the accidental or misuse of a weapon and would have a significant financial impact to the County for retirement classification and benefits for probation officers.

AB 1040 is similar to **County-opposed AB 1968 (Wieckowski)**, introduced during the previous legislative session. AB 1968 passed the Legislature but was vetoed by the Governor on September 30, 2012, who noted that local agencies' circumstances differ and chief probation officers are closer and better situated to make the decision to arm probation officers.

Consistent with existing policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority of the Board and based on the concerns outlined above, **the Sacramento advocates will oppose AB 1040.**

AB 1040 is pending referral to committee.

We will continue to keep you advised.

WTF:RA
MR:KA:PC:ma

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants